

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of the Connecticut Department of)	CC Docket No. 99-200
Public Utility Control for Authority to Conduct)	
a Transitional Service Technology Specific)	NSD File No. L-02-03
Overlay Trial in Connecticut)	
)	

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

Nextel Communications, Inc. (“Nextel”) respectfully submits these comments in response to the Connecticut Department of Public Utility Control’s (the “DPUC”) Petition to Implement a Transitional Service Technology Specific Service Overlay Trial – Supplemental Information (the “*Supplemental Petition*”).¹ The *Supplemental Petition* supplies additional information regarding the DPUC’s proposal to implement two specialized overlays (“SO(s)”) in NPAs 860 and 203 in the state of Connecticut.²

Nextel supports the DPUC’s proposal to implement these SOs, provided it further clarifies: (i) the scope of technologies and services included in the SO; (ii) when and if it will conduct take-backs of unopened NXXs; and (iii) how it will enact the ten-digit dialing

¹ Petition Of The Connecticut Department of Public Utility Control For Authority to Implement A Transitional Service Technology Specific Service Overlay Trial – Supplemental Information, (rel. May 31, 2002) (the “*Supplemental Petition*”).

² See Petition of the Connecticut Department of Public Utility Control For Authority To Conduct A Transitional Service Technology Specific Service Overlay Trial (rel. January 18, 2002) (the “*Petition*”); see Petition of the Connecticut Department of Public Utility Control For Authority to Conduct a Transitional Service/Technology-Specific Overlay Trial (rel. March 12, 2001).

requirement. Upon providing these clarifications, Nextel can support the DPUC's proposal as consistent with the Federal Communication Commission's (the "FCC") numbering policies, assuming the DPUC agrees to the limitations discussed herein.

I. THE DPUC MUST PROVIDE FURTHER CLARIFICATION OF THE TECHNOLOGIES OR SERVICES THAT ARE SUBJECT TO THE OVERLAY.

In authorizing SOs, the FCC directed state commissions to specifically address the technologies or services to be included in a proposed SO.³ In the *Supplemental Petition*, the DPUC states that "[w]hile the Connecticut SO would be expanded to incorporate non-geographic based services . . . from the consumer's point of view, the new NPA would be, for all intents and purposes, dedicated to the wireless industry."⁴ As previously described in its comments,⁵ Nextel urges the FCC to authorize the SO only if the DPUC clearly identifies the types of carriers that will be included in the SO. The DPUC indicates that the wireless industry would be included, but does not specify exactly what wireline-based services will be accessing the SO. Before the FCC acts on the DPUC request to deploy the SO, the DPUC should first investigate what wireline carriers should have access to the SO and clearly specify them in its SO proposal.

When reading both the *Petition* and *Supplemental Petition*, the DPUC's description of the technologies or services included in the SO does not provide enough clarification for the FCC and general public to know which service providers would be affected by the SO. Giving

³ *Numbering Resource Optimization*, CC Docket No. 96-98 and CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, 17 FCC Rcd 252, 288, ¶ 81 (rel. December 28, 2001).

⁴ *Supplemental Petition* at p. 2.

⁵ Comments of Nextel Communications, Inc. filed on February 26, 2002 (the "Nextel Comments"), at p. 3.

two examples of wireline services is not sufficient because it still is unclear what other services will be included in the class of non-geographic service providers in the SO. Holding “workshops” to determine this list of wireline providers after receiving FCC authority for an SO is not in the public interest, given that it would involve an FCC delegation of authority that is unclear. The FCC should act on the DPUC’s petition only when it is presented with a full set of facts in support of the proposal, as is required by the FCC’s Third Report and Order.

II. THE DPUC OVERLAY MUST BE LIMITED TO TAKE-BACKS OF UNOPENED NXX CODES, SUBJECT TO CERTAIN RESTRICTIONS.

The DPUC originally proposed that the SO would include take-backs of both unopened and opened NXXs from non-geographic based services.⁶ In the *Supplemental Petition*, the DPUC, while not thoroughly discussing the issue of take-backs, states that it “. . . does not support the take back of opened NXXs from the existing area codes”⁷ Nextel appreciates this clarification and can support the DPUC’s SO proposal only if opened NXX codes are not taken back from wireless carriers. Moreover, Nextel continues to oppose the take-back of unopened NXX codes without an assurance that new replacement NXXs are immediately available. As previously explained, carriers must have instantaneous access to new NXXs in the new NPA before the DPUC can take back any unopened NXX codes.

III. THE FCC SHOULD AUTHORIZE A TEMPORARY TEN-DIGIT DIALING WAIVER WITH CERTAIN RESTRICTIONS.

Nextel does not oppose a temporary ten-digit dialing waiver, provided the waiver is for a term of at most six months commencing upon the completion of the necessary upgrades to the

⁶ *Petition* at pp. 7-8.

⁷ *Supplemental Petition* at p. 5.

Public Switched Telephone Network (“PSTN”). The DPUC has proposed a temporary waiver, “. . . pending the development and implementation of a Connecticut Consumer Ten-Digit Dialing Education Program . . . ” for a period of twelve months.⁸ Based on Nextel’s experience and the FCC’s previous rulings on this matter, a six-month education program is sufficient to educate the public of the ten-digit dialing requirement, and the DPUC could conduct this customer education simultaneous with implementation of the overlay code.

Granting the waiver of ten-digit dialing for as short a time period as possible is critical to Nextel’s support of the waiver request due to the adverse impacts continued seven-digit dialing can have in an overlay situation. As previously described in Nextel’s Comments, a waiver of ten-digit dialing can result in unintended routing problems.⁹ For example, the implementation of an SO with seven-digit dialing in NYC resulted in the landline network misrouting certain calls, where the new overlay NPA being dialed is identical to an active NXX in that same area. The landline network routes the call based on the first seven digits dialed even though the customer has dialed ten digits, i.e., routing occurs based on the NPA-NXX-X rather than NPA-NXX-XXXX. As a result, a consumer assigned a phone number identical to that NPA-NXX-X received unintended phone calls during the seven-digit permissible dialing period. To avoid the above described misrouting problems, Nextel urges the FCC to require that the Local Exchange Carrier make necessary upgrades immediately to avoid these misrouting problems and to limit the waiver to as short a period as necessary, but certainly no longer than six months.

⁸ *Supplemental Petition* at pp. 6-7. This problem is further explained in the Reply Comments of Nextel Communications Inc. filed March 8, 2002 (the “Nextel Reply Comments”), at p. 2.

⁹ Nextel’s Comments at pp. 5-6.

III. CONCLUSION

Nextel commends the DPUC for its efforts to relieve the number exhaust problems in Connecticut. However, further clarifications to the DPUC plan, as described herein, are necessary to ensure that the benefits of implementing an SO are outweighed by its costs.

Respectfully submitted,

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